

NIGHTINGALE

History of Nominating
Methods in Illinois

Political Science

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HISTORY OF NOMINATING METHODS IN ILLINOIS

BY

HARRY THOMAS NIGHTINGALE

Ph. B. University of Michigan, 1895

THESIS

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May 15th. 190⁹.

I HEREBY RECOMMEND THAT THE THESIS PREPARED UNDER MY SUPERVISION BY

Harry Thomas Nightingale . Ph.B.

ENTITLED "The History of Nominating Methods in Illinois".

BE ACCEPTED AS FULFILLING THIS PART OF THE REQUIREMENTS FOR THE

DEGREE OF Master of Arts.

J. M. Garner
In Charge of Major Work

J. M. Garner
Head of Department

Recommendation concurred in:

Committee


on

Final Examination

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Chapter 1.

THE ANNOUNCEMENT SYSTEM.

When in 1818 Illinois became a State of the Union the vast proportion of her inhabitants lived in the Southern Counties. A much larger percentage of the inhabitants lived in the Southern half of her present territory. The State is about 400 miles long from North to South and 150 miles wide from East to West. The history of no State in the Union has been so affected by its geographical shape as has that of Illinois. It led to difference and discord between the Southern and Northern portions on three great fundamental issues in American Politics. i.e. Slavery, County and Township Government and methods of choosing candidates for public affairs. In all three of these issues the Southern portion followed the methods of the old Southern States and the Northern portion gradually introduced the thought and methods of New England and New York.¹

The old Southern way of conducting elections required each aspirant to announce himself as a candidate. Prudent seekers for office, however, first consulted a little caucus of influential friends. Men "offered" themselves on their own volition to the voters. There were no official candidates of party organizations. The candidates travelled in County or State delivering speeches and haranguing the people, conversing in friendly manner asking for votes "whispering slander against their opponents" and putting up defences against their rivals. The fact that a candidate was not offered to the voters as the champion of any party allowed him to

1. Ford. History of Illinois.p.279.

agree with all opinions and promise everything demanded by the people. Candidates easily and freely promised directly or indirectly their support to all other candidates for office at the same election. This system, simple and democratic, gave opportunity for free open choice by personal preference to the voters in the election. The natural result was a great temptation to demagogy. Thus it was considered wise policy under this system for a candidate, in a fair way to be elected, never to deny any charge laid against him, fearing lest he should thereby provoke his adversaries to prove all they had said and much more. One favorite art in this free-for-all race for office was to raise a quarrel with unpopular men, odious to the people, thereby seeking to rise on the ashes of the fallen. These methods, like all others, were not true of all candidates, many¹ being men of high integrity.

This announcement method took form in our early history, when political parties did not exist or were in their infancy and men based their votes on the personal qualifications and character of those offering their services, rather than on any principles or policies of State. After the strong organization of political parties, this old system of electing from personal preference was carried into each party in the mere selection of candidates thus distracting the harmony of a party by introducing competition amongst distinguished men for the mere privilege of becoming candidates without any means of deciding between them except at the polls.

1. Ford. History of Illinois.pps.201-202.

Therefore when two or more men of the same party were candidates without a nomination they might well, and did, hate each other far more intensely than they hated the prominent men of the opposite party. As a Whig was to be elected by Whigs, a Democrat by Democrats, each would owe his success to the number and strength of his party but we must remember that under this old system an ambitious Whig or Democrat had yet to seek support in his own party in rivalry with his own political friends by canvass of his merits as a man. Such a canvass always aroused such excitement as can only come from personal contests, and ambitious men in the same party under such circumstances could hardly be expected to, nor did they, decline in favor of others that the party might have a single candidate for the same office. A party might be and frequently was in the majority, yet, by being divided on its men, allowed the minority party to succeed in elections by concentrating on one man and thus actually govern the majority. The system of free open personal choice of candidates, in the early days considered typically American, thus frequently led to results most un-American. The convention system was proposed to remedy this evil, conventions of delegates previously elected by the people to provide a single set of candidates for the same party. Another argument typical of New England was that these conventions would be composed of the best informed and principal men of a party and would evince greater competence than the people at large to select good men as candidates. In his History of Illinois, Governor Ford draws a comparison between the relations of a convention to the people and those of

a grand jury to a circuit court. The Court has no power to try any one for crime without a previous indictment by the grand jury, the people will have no right to elect anyone to office without a nomination by convention. "In the one case innocent men could not be publicly accused and tried for crime without a private examination of their guilt and establishing a probability of its existence; so the people would be restrained from electing any one to office without a previous nomination of a body more fitted to judge of his¹ qualifications."

Before detailing the history of the origin and development of nominating conventions it may be well first to make a brief study of prevailing opinions in Illinois on the general subject of political conditions in Illinois, just a few years previous to the gradual adoption of the convention system. I quote the following from the Sangamon Journal, Springfield, Illinois, Issue of December 22nd. 1831. Vol.1. No.7 on the editorial page, column 3.

Jackson meeting December 14. 1831. Meeting of Jackson Republicans at State House. William Nicholls Esq., called to chair. Colonel Sam Houston and James Whitlock Esq., appointed Secretaries. Resolutions adopted approving measures of administration, nominating General Jackson for re-election and recommending their political friends in the three congressional districts to choose delegates to meet in convention in each of said districts at Kaskaskia, Vandalia and Springfield in the Spring while the Circuit Courts are in

1. Ford. History of Illinois. pp.204-205.

Session in said places and nominate electors for President and Vice-President. T.W.Smith. E.K.Kane. J.M.Robinson and Joseph Duncan¹ Esquires, were nominated delegates to represent this State in the Baltimore Convention to meet in the ensuing Spring.

The Editorial comments as follows. "We should like to see stated how many of this committee are receiving rewards from Uncle Sam, for such men are best calculated to touch off the beauties of this administration". Below the above is an editorial headed, "Bargain and Corruption" "Administration no supporters but by purchase" "We present the following notice of a bold attempt at bribery". "Mr. Chas. Hammond of the Gazette remarks, in his paper of the 18th. inst., as follows. "What would this wiseacre (referring to a paragraph in the Cincinnati Republican) think of his own wisdom were I to satisfy him that within three days I had received an official overture from Washington"? There follows a charge that the paper below has heard that "Mr. Hammond had received a communication from one of the principal functionaries at the seat of Government, the Commissioner of the Land Office, intimating that he may expect an appointment under Jackson if he will become a supporter of his administration".

I cite the above to show that there existed at this time some considerable criticism of the "Spoils" system and practice of the times, which came into vogue a little previously but almost simultaneously with the spread of the convention system. Moreover,

1. Afterwards elected Governor of Illinois.

although the convention system had existed in New England and New York previously to the introduction of Jacksonian methods of political reward, this criticism comes from the newspapers of a State where the convention system was not yet in vogue.

Let me here remark in passing that conventions instructing Senators and Representatives in Congress how to vote were frequent. These, however, were mere mass meetings and are not pertinent to our subject of choosing candidates for office.¹

The Sangamon Journal of January 26th. 1832 on the editorial page, column 1, discourses on Van Buren's methods calling them his "System of caucussing". It further says, "The Republican Brethren of Vandalia do not appear to understand Captain Martin Van Buren's System of caucussing or the art by which a few can manage the many". Explanations follow. First, "It is necessary to establish a regency", then "six or eight individuals, who could keep their own secrets should be ready to deny they managed the policy of the party, next there should come a class of County managers, who should be selected entirely with reference to their devotion to the interests of the grand master Van Buren and adhesion should be secured by office or hope of office. The latter should have their 'runners or whippers in'". This is called "The System Perfect, The Van Buren Party Discipline". Again, "Every Republican in the State could be taught his duty in systematic style". Again, "Vandalia friends in trouble by straying from this Republican System". The

1. Sangamon Journal. Dec. 29. 1831. p.2. Column 4.

Journal claims that the nomination by the Vandalia convention, a mere large meeting, was for nothing. "Who gave them the right to make nominations without consulting the eleventh oracles of the party? The thing is entirely ill-timed and most unexpected to those who pull the wires". So much in sarcasm and derision.

The meeting referred to above of January 2nd. 1832, fell into a row. The minority members failed in their effort to adjourn; thereupon they were asked to retire, with which request they complied. The presiding officer, Colonel Sam Houston, also left the meeting. The Convention then nominated R.M. Johnson for Vice-President. Van Buren's friends were angry because it was known that Jackson, Presidential candidate for re-election, was old and worn and might die and Van Buren hoped to succeed to the Presidency if Jackson died. The Journal on column 4. same edition, speaks of "The Jackson Collar". The issue of February 2nd. 1832 heads an editorial "Wormwood to the Regency". In the newspapers of this time may be found editorials saying that Van Buren will be nominated, that arrangements have already been made under his direction, that other high official appointments have been offered to Johnson to induce him to withdraw in favor of Van Buren, that Jackson is for Van Buren and that the power of Government will be used for schemes of Martin Van Buren.

Occasionally we find in Illinois newspapers some interest evinced in the nominating methods of other States. The tone of notices and comments on conventions in the Eastern States leads

to the opinion that Illinois editors looked askance at the convention system in vogue along the North and middle Atlantic border. In the Sangamon Journal of May 17th. 1832, there are notices of conventions of delegates in other States, notably in Virginia, a semi-Southern Atlantic State. In the same issue I find the following; "The anti-caucussites have obtained a majority in the common council of this city".¹ Thus it would appear that the battle for and against political management by pre-arrangement was still raging in the Eastern States, notably in that State from which more than any other, the new system was in a few years to be engrafted on to the political tree of Illinois politics.²

In the early thirties there were fitful efforts and a combination of preliminary mass meeting and convention system. A mere large meeting of citizens would come together and elect delegates to another so-called "public meeting" which latter would be attended by delegates similarly chosen. As an example of this latter method, I present the following notice, from the issue of the Sangamon Journal of May 17th. 1832. "TO THE VOTERS OF SANGAMON COUNTY

The subscribers, delegates, appointed at a meeting of citizens of Sugar Creek Settlement and its vicinity to attend a public meeting proposed to be held at Springfield on Saturday May 5th. beg leave to state that they attended at the time and place designated, but found that the citizens of other parts of the County had not taken that interest in the measure proposed which it was believed its importance demanded, and that, consequently, no ticket for County Representative was selected. The undersigned, however, have

1. New York City.
2. New York State.

still felt it to be their duty to obey the instructions of their constituents and name a candidate for Representative who commands their confidence and will generally receive their support. We therefore nominate Zechariah Peter Esq., and solicit for him the favorable notice of our fellow citizens. He has long lived among us and is known to us all. He is a man of integrity and sound judgment, understands the wants of our citizens, and, in our humble opinion, is competent to the discharge of the duties of a representative. If he is elected, he will not be indebted for his election to a combination, or to his own personal exertions; and will be the Representative of the people. His character is a sure pledge for his fidelity to their interests. We are, fellow citizens, your obedient servants.

John Durley.
Wm. Loughlin,

May 5th, 1832.

Delegates from Sugar Creek Meeting.

The ordinary method of standing for election to state offices was still by mere announcement. In the newspapers of the early 30's are frequent announcements and authorizations of candidacies for County and State offices. The following will suffice as excellent examples. From the Sangamon Journal May 31st, 1832 I cite the following. "We are authorized to announce Thomas Moffett Esq., as a candidate for County Commissioner for this County.

Here is a list of eight names among which are,
Archer G. Herndon and A. Lincoln.

For County Commissioner, 3 names.

For Coroner, 2 names.

Senators for the Counties of Jo Davies, Cook, Putnam, Peoria, La Salle, and Rock Island.

2 names.

Representative for the district composed of the Counties of Pike, Adams and Hancock.

Sangamon Journal, June 21st. 1832. "To the Independent Voters of Sangamon County. Fellow citizens". Then follow the notices of four Representatives in their candidature for the assembly. In the same number of the Journal is a notice of candidature from Edward Robison, dated Sangamon County June 13th. 1832, giving his attitude on public questions and bills before the legislature. The issue of June 28th. 1832 has this notice; "We are authorized to announce Samuel Lee Esq., as a candidate for County Commissioner for this County.

July 5th. a long 5 column address to the electors of the third Congressional District by Jonathan H. Pugh in advocacy of his personal candidacy.

Another July 12th. by T.M. Neale for the Legislature from Sangamon County, his letter of announcement being dated July 7th. 1832. The dating of the letters and the dates of the issues printing the letters, the latter being about one week after the former, show that these were personal letters written by the candidates to the newspapers for publication of their candidature. The following is a characteristic example. "July 9th. 1832.

When I presented myself before you as one of your candidates, I intended to have laid before you in as a concise a manner as the

limits of a handbill would allow, the course pursued by me in the last Legislature. Yet, on consideration, I perceive it useless to do so". Then follows a general promise etc., etc.,

July 12th. In this issue are numerous announcements of candidates for State Senator.

CHAPTER 11.

THE CONVENTION SYSTEM.

The year 1831 is famous as marking the first National Presidential Nominating Conventions. Illinois was not represented in the National Republican Convention.¹ How the members of this convention² were chosen is not known and cannot be ascertained.

Before taking up the details of preliminary meetings in Illinois, let us first note the fact that the County was the unit of basis for sending delegates to the National Democratic Convention which met at Baltimore May 21st. 1832.³ In proof of this I cite the following from the issue of the Sangamon Journal May 31st. 1832, in an editorial on Hon. J.M. Patton of Madison County, Virginia.

"Chosen to represent the County in the Baltimore Convention". This brief testimony I offer from an Illinois newspaper to show that each County was entitled to send a delegate. In the same issue is an article headed, "Young Men's Convention".⁴ It is a report of the Convention of the 7th. May 1832 in Washington, speaking of there being 318 delegates present by whom Henry Clay was nominated for the Presidency and the first national party platform issued to the public. Other articles in the paper show

1. Stanwood's History of the Presidency. p.157.
2. ibid. p.157.
3. ibid. p.159.
4. See also Niles Register. 42-236.

that legislative party caucuses instructed delegates to the Baltimore convention.

I now desire to take up the ways, methods, and efforts of Illinoisans in choosing candidates for an electoral ticket for the Presidential election of 1832. In the issue of the Journal August 18th. 1832 is a heading, "Anti-Jackson Meeting". It is a notice of a County meeting claiming that the nearness of the election makes it impossible to organize district conventions for the object of nominating a ticket and saying that the citizens of Morgan and other Counties recommend the following ticket to secure concert of action. The Journal endorses the plan. On September 1st. there was held the Morgan County Meeting. It nominated General James D. Henry of Sangamon County, "as a suitable person for an elector". It approved the nominations of other men from other Counties. In the issue September 18th. 1832, appears an article headed "Illinois¹ National Republican Convention", announcing, that the delegates elected to this convention from the Southern and Eastern Counties will meet at Vandalia September 19th. The article insists that "Concert of action is of primary importance". The article says that delegates elected to meet at this place, Springfield, and at Vandalia the 10th. will therefore see the propriety of assembling in Vandalia on the 19th. inst.,

1. However, Stanwood, in his History of The Presidency p, 157, says Illinois was not represented at this convention. Perhaps they had been chosen, but had not arrived at Baltimore, as frequently occurred at that time.

Although the Convention system thus received a tentative trial¹ in the choice of Delegates to this first great national convention, the old announcement method remained in vogue for several years in the choice of candidates for local and state offices. These official positions, close to the people, were the last to feel the effects of the gradually growing demand for some better machinery of concentration of a party's power. It was "common for several candidates from each party to enter the lists". It was perceived by some keen thinkers that this system was very faulty, when an opposing party nominated a single candidate. Party spirit sometimes arose to such extent as to require candidates to come out on party grounds. With party feeling raging high, there yet was lacking any mode of concentrating the action of a party. Several candidates on the same side of political issues would be ambitious to give their services in the same office.² This caused party splits and factions. Thus men united on principles were divided in their choice of agents. Such a situation often produced a victory for the minority party, and the majority failed in the fulfilment of their purpose. The growing increase of party spirit served only to accentuate the incongruity and absurdity of this sham attempt at real democracy. Majority rule, the very foundation of democracy, was thus undermined. The fault was not with public opinion or the lack of public opinion, but in the absence of a proper mechanical device, by which public opinion might stamp itself upon the actualities of the time. Democracy had come to stay, but

1. The preceding anti-masonic national convention was not a great convention.
2. Ford. History of Illinois. p.202.

Vandalia was chosen as the meeting place for a state wide convention because in 1832 it was the Capital City of Illinois, thus, affording opportunity for a convenient round-up of State and County leaders. In the Journal of September 22nd. is the notice of the Vandalia Convention of Delegates held September 19th. the notice detailing the actions of the convention. It had nominated candidates for Presidential Electors for the November election. The names suggested by the Morgan County Meeting were changed in three instances by the Vandalia Convention, it thus appearing that the State Convention arrogated to itself the right and authority so to do.

The Vandalia convention adopted a method which is still in vogue to-day with regard to filling vacancies on the electoral ticket.¹ It resolved for the appointment of a central committee to have power to fill vacancies of the electoral ticket. It appointed many different committees for the campaign and adopted a platform on the following lines. It opposed Jackson's Veto of the Bank Charter Bill as also his Veto of the Bill appropriating \$30,000 for the improvement of the Chicago Harbor.² It was a Clay Convention and against Jackson. This Illinois Electoral ticket was pledged for the support of Henry Clay for President, John Sergeant for Vice-President. The Convention issued an address,³ signed by the Officers, dated September 19th. 1832.

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1. Sangamon Journal. September 29th. 1832.
 2. ibid.
 3. ibid October 20th. 1832.

it must find a better method to make its vaunting good. With the large influx of New Englanders and New Yorkers into the Northern Counties of -Illinois in the 30's the Western State was gradually introduced to the more accomplished methods of the older East. Attempts were made in the Northern part of the State to introduce¹ the convention system of nominating candidates. It was first tried in Counties and Districts. It seems to have been accompanied in its very first stages of development with frauds and irregularities. The first attempt in these local nominating conventions² was made in 1832. It, however, encountered many obstacles, its enemies at once pointing out and possibly exaggerating any attendant flaws. It, therefore, by no means met with Universal progress and acceptance. From 1832 to 1840 the people generally preferred³ the election of independent candidates. Its most momentous adoption was in 1837, not however, in a local election, but when Judge Douglas was nominated for Congress in the Peoria district, and in the same year when Colonel James W. Stephenson was nominated⁴ by a state convention as Democratic candidate for Governor. Dr. J.F.Snyder in his "Adam W.Snyder and His Period in Illinois History 1817-1842" says, "The first political convention for nominating party candidates for State offices in Illinois, was held by Democratic delegates at Vandalia on the 4th. of December 1837, resulting in the

1. Ford. History of Illinois. p.202.
2. ibid. p. 203.
3. ibid. p. 203.
4. ibid.

nomination of Col. James W. Stephenson for Governor. About the same time Stephen A. Douglas was nominated for Congress in the Springfield district.¹ On account of Mr. Stephenson's sickness and his consequent inability to serve, another Democratic convention, having been the former one, recalled, in the summer of 1838 nominated Mr. Thomas Carlin for Governor. Thus the first step in effective control of nominations by party in Illinois was taken by certain Democrats, led by Stephen A. Douglas. Mr. Douglas' rise as a politician coincides with this development of party organization and machinery. The movement was as yet sporadic in several counties. By advice of Douglas and his friend Brooks of the "News", Democrats of Morgan County declared in favor of a State Convention to choose Delegates to the National convention of 1836.² One County after another followed Douglas suggestion, until the movement culminated in a well attended convention at Vandalia in April 1835. Not all the Counties were represented and no permanent organization was effected. Provision, however, was made at the meeting for a second convention in December, to nominate presidential electors.³

Douglas, a Morgan County Delegate, zealously desired party consolidation.⁴ Ebenezer Peck, a former Canadian, proposed that the convention should also nominate candidates for State offices. Many opposed his proposition and vehemently protested. On the second day of the convention, a general discussion of the convention

1. Snyder, F.W.Dr. A.W.Snyder in Illinois History. p.264
2. Illinois Advocate. May 6th. 1835.
3. ibid. May 6th. 1835.
4. Johnson. Life of Douglas. p.26.

system took place. Mr. Peck vigorously defended the nominating convention as a necessary piece of party machinery. In his opinion it was absurd for a man to have a right to become a candidate for office without the endorsement of his party, and irrational to allow members of a party to consult personal preferences in voting. Organization and discipline were necessary, in his opinion, and party members must submit to it if they would secure control of office. His speech was followed by excitement and confusion. The presiding officer left the chair and denounced the suggestion of Peck as anti-republican.¹ In a strong speech Douglas supported the new plan. He said he had seen the workings of a nominating convention in New York and knew it to be the only way to manage elections successfully. It had been only through organization and adopting the convention system that the opponents of the great De Witt Clinton had succeeded in overthrowing him. Douglas believed the people of the West were not so set in the enjoyment of their own opinions as to refuse to submit quietly to the wise regulations of a convention. He added another argument from recent experience, in that the nominating convention in Morgan County, which he had had the honor of introducing, had already prostrated one individual high in office. Douglas was a very young man, and the older men in the convention, naturally Conservatives, opposed him, and were not satisfied with his plea. The meeting broke up in disorder, leaving the party with divided counsels.²

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1. Illinois Advocate. Dec. 17. 1835.
Sangamon Journal. Feb. 6. 1836.
Johnson. Life of Douglas. p. 26.
 2. Sangamon Journal. Feb. 6. 1836.

The middle and lower part of the State first became acquainted with the convention idea through the teaching of Ebenezer Peck, Esq., the Chicago Lawyer, mentioned above, formerly a Canadian.¹ He had there been a Liberal Member of the Provincial Parliament, opposed to the ultra monarchy party. While still a member, he had been appointed by the Governor of Canada, King's Counsel, in gratitude for which Mr. Peck had left his former political associates and turned to the support of the ultra monarchists. His position became so untenable, that in a short time he resigned his office and moved to Chicago. Here joining the Democratic party, his Liberal opinions were not always taken with confidence, on account of the suspicion and prejudice of many by reason of his former defection from the Liberal party in Canada.² During the meetings of the Legislature in special session 1836-'7 the first speech ever made in the Southern half of Illinois in favor of the Convention system was delivered by Mr. Peck at a great meeting of the lobby.³ William Jefferson Gatewood, Democratic Senator from Gallatin County answered his speech.⁴ The debate aroused some noticeable interest among the politicians. From this time on, step by step, slowly and laboriously the system found its adoption. It was not until the 50's that the nominating convention system was used throughout the State for choosing candidates for Governor, Lieutenant Governor, and Members of Congress.

1. Ford. History of Illinois. p.203.
2. ibid.
3. ibid. p. 204.
4. ibid.

Even in 1854 it was used for nominating candidates for the Legislature in only two thirds of the State.¹ The suggestion of Mr. Peck in the whole plan of this new system met with vigorous denunciation and opposition from the Whigs. They were in the minority and it thus behooved them to prevent if possible the concentration of the strength of the Democratic party. The scheme met with suspicion even from the Western Democrats of Illinois. It smacked too much of a Yankee mechanical contrivance calculated to abridge the peoples' liberties, depriving individuals of the constitutional privilege of becoming candidates and preventing each voter from casting his ballot for the candidate of his own personal choice and desire.

Notwithstanding all the fierce opposition which the innovation encountered after its introduction, there followed successful County and District Conventions. Their success paved the way for the future adoption of a wider use. Morgan County and the Congressional District to which it belonged became veritable political experiment stations. When in April 1836 a County convention met at Jacksonville, it not only succeeded in nominating a candidate for each elective office but in doing that which was far more suggestive of future success, in securing the support for its nominees of the disappointed aspirants for nomination.² This was a great stride towards the acceptance of the new system. Now the Whigs of Morgan County united upon a ticket for State Offices. They nominated John J. Hardin at the head of their ticket. Hardin was a

1. Ford. History of Illinois. p.204.

2. One exception. See Sheahan Life of Douglas. p.26.

good Campaigner and proved too much for any or all of the Democratic candidates in stump speaking. It became necessary for the Democrats to counsel and re-habilitate their speaking forces. Douglas was the man and the Democratic ticket was reorganized to make place for him. Just how this change was made is not positively and clearly known. It is thought that apparently, one of the Convention's nominees for State representative was persuaded to withdraw.¹ At once the Whigs raised the cry of inconsistency, and justly so. The Democrats themselves were disconcerted. The Sangamon Journal mockingly asked, "What are good Democrats to do"? To make matters worse, Douglas in his speeches had urged the Democrats to vote for no one who had not been nominated by a caucus.² Here, then, the system was not playing true, even in the hands of its most ardent advisers. Such an event tended to check the acceptance of this new political machinery. The Democrats had made a tactical blunder, when the Morgan County Convention had failed to name delegates to the Congressional District Convention, to be held at Peoria. After adjournment, those members of the County Convention, who had remained in town, realising their mistake, had been re-assembled with resident Democrats to fill in this omission.³ Douglas and eight others were named to attend at Peoria, the Congressional District Convention. At this latter meeting, there were only four

1. Sheahan, Douglas, p.26.
Wheeler, Biographical History. p.67.
Sangamon Journal. May 7th. 1836.
2. Sangamon Journal, May 7th. 1836.
3. ibid.

other delegates present, one from each of four Counties. Nineteen¹ Counties were unrepresented. This shows a great lack of interest in the new political machinery. The innovation had not yet been appreciated, or at least it had not aroused enough interest. However, these thirteen delegates declared themselves an authorized convention and nominated candidates. The Whigs severely criticised their political antagonists and scored them for political dictation. The Sangamon Journal says in its issue of May 4th. 1836, "our citizens cannot be led at the dictation of a dozen unauthorized^{individuals}, but will act as freemen". The upstart "convention" was accused of trying to fasten a "caucus collar" on Democrats, many stalwart members of their party joining the Whigs in protest against the new method of choosing candidates. Everywhere Douglas and his "Peoria Humbug Convention" were blamed and scolded. Good reasons could have been given for the small number of attendants at the Peoria District Congressional Convention, such as bad roads, an ever present cause of trouble, or inclement weather. In the election following all but one of the Democratic Nominees were selected, completely vindicating the new party nominating machinery. Douglas was delighted and felt justified by the success in claiming the value of organization and discipline. The importance of the latter had been demonstrated. This may be looked upon as the beginning of the² days of the professional politician and the machine in Illinois.

1. Sangamon Journal. May 14. 1836.

2. Johnson. Life of Stephen A, Douglas. p. 29.

At this date 1836 Illinois was a frontier state and the more or less smooth political machinery, so finely managed since, was worked in a rough way over many stubborn objections to almost complete success. The machine had come, and, under Douglas' management, had come to stay.¹

Practical politicians like Douglas, clearly saw the necessity for the continuance of a nominating convention system. However, there were many excellent arguments, which have always appealed to many, who have never been satisfied with the system. If it could always have been made to work, so that the real will of the majority of the bona fide electors would have found its registration in a party's choice of candidates, little opposition would ever have been manifested. For it would have been a great improvement over the occasional election of a minority party's representative. In the 30's and 40's it was frequently urged that the whole convention System was a fraud on the people, "a mere fungus growth, engrafted upon the constitution"; then, as now, there were charges, and likely true ones, that the conventions were arranged and "packed by cunning, active, intriguing politicians", to suit the wishes of a few.² A leader secured some friends in each precinct in a county, these held "primary meetings", delegates were there elected to County conventions, these latter, meeting at the County seats and nominating candidates for the Legislature and County offices; the same conventions elected delegates to District and State Conventions,

1. This Campaign was a liquor treating and more or less drunken Saturday night audience stump speaking contest. Ford, History of Illinois. pp.103-105.
2. Ford, History of Illinois. p.205.

which, in their turn, nominated candidates for Congress and for Governor.¹ In Illinois in the early days the chief trouble was in the precinct meetings. There was lacking that local governmental division, which in Eastern States was the great secret of the success² of pure democracy. The convention in the East was a direct outgrowth of township government. In these little democracies all the people met in person at least once a year, to lay the annual local taxes. By means of this regular meeting the people were encouraged to take an active interest in their local government. Thus assembled together, they were easily enabled to elect delegates to conventions. In this manner a convention was sure to reflect the will of a party just as the State Legislature was sure to reflect the will of all people. But Illinois had no township governments, thus lacking in these regular general meetings of the people. The only time the people in Illinois came together in their different sub-divisions, was at the end of political campaigns at the elections, not at the beginning at the primary meetings. Instead of the body of the people being present at these important starting points, frequently only those nearest the meeting places, often only professional politicians, or the town loafers were the sum and substance at these meetings.³ A candidate for office ignored the people in application for the nomination. His attention was

1. Ford, History of Illinois. p.205.
2. Ibid. p.206.
3. ibid.

directed to the managers, and corner idlers, frequently the enemies, not the friends, of the best interests of the community. Members of a party could rebel against nominations, but rebellion brought fateful charges of treachery from the party leaders. The system was admirable under proper circumstances. It could only remain so with the continuance of such circumstances. These are the organization of township pure democracy and the existence of a highly intelligent and active interest in public affairs among the people of these democracies. In the 30's and 40's New England was blessed with both, Illinois with neither. Our local democracies have been changed by a vast immigration of foreigners unacquainted with the means, methods and principles of local self-government. Illinois to-day has some township government but it has never thrived as in New England and, as for active intelligent interest by the people in local self-government, it is far below the standard essential for the success of local township government and a pure representative primary system. Under such conditions, no more corrupt system could hardly be devised to enable active leaders to govern without much responsibility to the people.

Before further discussion of the merits of the convention system, I wish to give a number of illustrations, taking place in important counties in Illinois. On April 4th. 1846 a Democratic¹ convention met in Clark County, pursuant to previous notice. Nominations were made for County Offices. Four delegates were elected by the convention to attend a Congressional Convention

1. Illinois State Register. April 24.1846.

"in this District" and instructed by the County Convention to vote for and "to use all fair and honorable means to secure the nomination of Timothy R. Young Esq., for Representative in Congress. Here we have an early example of the use of instruction by County Conventions. At Kaskaskia April 27th. 1846 the Congressional¹ Convention met. It first elected officers. The Counties were called in alphabetical order during which they presented their credentials. Two sets of delegates appeared from Clinton County, a contest ensued and the Convention adjourned until 2.p.m. The contest was decided by the convention at that time, after a reading of the proceedings of the meetings that elected the two sets of delegates, in favor of the first convention. By this decision, as² usually happens in these latter days, the voters were defeated; all this, in spite of the fact that the convention system had already so far developed, that each precinct sent delegates to the County Convention. The nominations for Congress were made viva voce. Lyman Trumbull, of St. Clair County was placed in nomination by M.G. Dale of Bond County; two other names were offered. Mr. Trumbull received 24 votes, Robert Smith and James Dougherty 5. Then Mr. Trumbull was nominated unanimously for the ensuing August election.³ "We will give him our undivided support". On motion a committee

1. Illinois State Register. May 22. 1846
2. ibid.
3. ibid.

was appointed to draft resolutions and an address to the Democrats of the District. It will be noticed that the nomination was made before the resolutions and platform were adopted, quite the opposite from our present custom. It would appear from this as quite likely that in those days the platform was made to suit the candidate rather than the candidate being chosen to suit the platform.

On the 6th. May 1846 Democrats of Champaign County held a meeting (convention) in Urbana at the Court House.¹ Colonel M.W. Busey was called to the chair and T.R. Webber was appointed Secretary. The chair stated the object of the convention to be the appointment of delegates to attend the convention to be holden at Joliet on the 4th. June, next, for the purpose of nominating a candidate for the fourth congressional district. On motion a committee of three was appointed to select delegates, which committee reported the names of the following gentlemen as said delegates with power to fill any vacancy which might occur, to wit: Colonel M.W. Busey, Matthew Johnson and George Knox. On motion the committee was appointed to draft resolutions, who reported, after short absences, resolutions with instructions to the delegates to use all "honorable means" to secure the nomination of the Honorable John Wentworth as the "first choice of this meeting", and if it should become necessary to make a second choice, instructions to vote for Josiah McRoberts Esq., of Vermillion County.

1. Illinois State Register. May 22nd. 1846.

It was further resolved. "That we recognize the propriety of the convention system, and believe it to be the only sure way to preserve the harmony of the Democratic party and that any man who will not acquiesce in the decision of a convention fairly organized, is not worthy to be called a Democrat". It was finally resolved that the proceedings of this meeting be signed by the chairman and secretary and that the same be published in the Chicago Democrat and State Register and signed by M.W.Busey, chairman, and T.R.Webber, Secretary. These resolutions show us that the convention method, although quite universally adopted as an efficient means of party control, was still being weighed in the balance and by some individuals, still much opposed.

The following communication to the Editor of the Illinois State Register is illustrative of the still incomplete adoption of the system.¹ "To the Editor of the Illinois State Register;

Sir: We have seen Robert Allen, Esq's name announced in your paper as being a candidate for Sheriff of Sangamon County, subject to a Mass Meeting, should one be held. Major Thomas Long is likewise a candidate for the same office, subject to a Mass Meeting, should one be held. The friends of Major Long would prefer a Mass Meeting, and a candidate nominated. If a Mass Meeting is not held Major Long's friends will still support him".

Thus it would appear that by 1846 the old announcement method for County offices was still in vogue, qualified, however, as being subject to a Mass Meeting. This is quite different from being chosen by a regularly constituted County convention of precinct

1. Illinois State Register. May 22nd. 1846.

delegates. The opposite trend of opinion is seen in the expressions of public opinion in the newspapers of the time, for example, the following. "The time is approaching when the Freemen of Sangamon County will be called upon to exercise the right of Freemen, in the choice of four of their fellow citizens to represent them in the next Legislature. That the Convention system is fully run down in this County, all will admit. There are very many independent Whigs in old Sangamon, who are not trammelled by the action of the late famous Whig County Convention, and who will vote like freemen for the best men to carry out the best measures. Let those Whigs, then, and the Democrats unite together in one common cause, and at once nominate a union independent ticket for the Legislature, inscribed with the names of S.T.Logan. James W.Barrett. E.D.Taylor. F.A.McNeill. Such a ticket will assuredly be elected triumphantly in Sangamon County at the August election. We know what we say in asserting this fact. We know the interests and the minds of the people of this County, and that local interests, independent of politics call for the election of those gentlemen by independent Whigs and Democrats".¹ Here we have a protest against strict party action and convention control, from so called independents who themselves, however, are planning a convention of their own. It is by a temporary machine against the control of a permanent machine. It is typical of all successful revolts. This protest differs, however, from modern protests against conventions in that the latter are directed against the corruption and abuse of the convention system, whereas, the former is surcharged with a spirit

1. Letter from Mechanicsburg. May.21st. 1846.

hostile to the convention per se. There are numerous instances in the latter 40's to show that the convention system was coming more and more into vogue. The newspapers team with announcements and accounts of conventions, County and Congressional, some instructing delegates, others leaving their Representatives to the high conventions free and untrammelled. A few examples will suffice. The Democracy of McLean County held a convention at Bloomington on the 23rd. of May 1846 and elected delegates to the Joliet Congressional Convention, but no instructions were given to the delegates.¹ About the same time in the 6th. district the Democratic Congressional Convention held at Rock Island nominated Thomas J. Turner for Congress.² An editorial in the Illinois State Register urges unanimity in support of the nominee. Other Democratic Convention nominations were, for Senator from Cook County, N.B. Judd. three other names given for Representatives, and a nomination for Sheriff; for Knox County, for Representative, Reuben Heflin; for Knox and Mercer Counties combined, for State Senator, William McMurtry⁴, of Knox; for La Salle County for Senator, William Reddick and three nominees for Representatives.³

Kane, McHenry, Boone and De Kalb Counties in their Senatorial District nominated Elijah Willcox for Senator and three candidates for Representatives.

In the 7th. District at Bath, Mason County, on the 23rd. May five counties sent delegates as follows. Menard, 2. Mason, 2.

1. Illinois State Register. May 29th. 1846.
2. ibid. June 5th. 1846.
3. ibid.

Logan, 1. Morgan, 1. Sangamon, 4. making in all, 10 delegates.¹
It was resolved that when vacancies occur in any above delegations, those present be allowed to cast the full vote of there respective counties. A motion was carried to elect a nominee for Congress. Peter Cartwright of Sangamon was elected, receiving unanimous nomination. A committee of three were appointed to draft resolutions, which proved to be in favor of the support of Polk, of "all of Oregon", the "reannexation of Texas", against the Tariff system, its "inequality and injustice" and "its enormities". This is another instance of the nomination preceding the passing of the resolutions. It was moved by Mr. Diefendorf, and passed, that the chair appoint a District Central Committee of five and a corresponding committee of two in each County. In Piatt County a meeting of Democratic voters nominated Judge Reber for the Legislature by a majority vote, and "he was proclaimed the candidate of the Democratic party in Piatt County". These proceedings were signed by the President and Secretary of the meeting and sent to the Illinois State Register.² The Whigs of the sixth district nominated James Knox Esq., of Knox County as their candidate for Congress.³

The Convention system did not keep a Congressman in office by patronage and so forth. For in the Illinois State Register⁴ of June 12th. is an Editorial against the rotary system in Congress. It claims that the Whigs favor it, and established it. It says that in Congress a member is regarded as a temporary occupant, which fact

1. Illinois State Register. June 5th. 1846.
2. ibid. June 12th. 1846.
3. ibid.
4. The Register was a Democratic newspaper.

must impair his usefulness, however competent he may be. In the issue of June 19 is a long editorial in favor of the following nominations, for the first district Lyman Trumbull, the 2nd. O.B. Ficklin, the 3rd. John Wentworth, the 4th. Stephen A. Douglas, the 6th. Thomas J. Turner, the 7th. Peter Cartwright, all Democratic Convention Nominees. The editorial says, that men have been urged to run independently against the Nominee of the party convention; that the resolutions passed at the bolting meeting "give no other reason than that the delegates were not chosen according to some organic laws, which did not seem to have been understood until after it was ascertained that Mr. Smith could not be nominated; Conventions have become, by the usage of the party, a proper and convenient method of uniting public opinion upon some one candidate for the suffrages of the people. We do not pretend that the decision of the convention is positively binding, but we do insist that the policy, and the interest and success of the Democratic party require that the decision of the convention should be respected". The Editorial goes on to say, that it is easy to start protests etc, as causes for bolting and assailing the conduct of the convention or mode of organization. It admits that these have been, will be, but ought not to be. "Success of principles should outweigh desire for any one man". Furthermore, it warns that by this bolting the third man may triumph by minority vote or possibly Mr. Smith be elected by Whig votes. With great alarm it sees disorganization and permanent disaffection in the party, an event to be deplored. Smith had served four years in Congress, and although there was no fault

to find with him, nevertheless, Lyman Trumbull was a good man. As a parting shot, the editorial reminds Mr. Smith of his own nomination, of complaints, bolters, etc., and of this great political fact, that those who acquiesce, in the action of the convention, would ever stand better with their party, than the bolters, - a lesson for him. Aye, and an object lesson for us. Here we have the convention system in all its power.

A call was issued in Sangamon County for all Democrats to rally to the County Convention urging all Democrats to "attend in mass"¹. "We hope that the democracy of the County will attend in mass, and put forth a ticket that will be acceptable to the party". "Old fashioned rally for triumph in August". Whigs were in a majority in the County, but "by concentrated party effort, through mass Meeting and Convention, Democrats hope to win"².

Evidently at this time small parties simply held meetings. In evidence of this we note the following. "We understand, says the Hennepin Herald, that the Liberty party held a meeting at Magnolia, on the 3rd. instant, and made the following nominations; for Congress, Elihu Walcott; for Representative, James B. Work; County Commissioner, William Lewis; County Treasurer, Smily Shepherd.

That there were irregularities and righteous disaffections, in those days as now, is attested by the following. The first day of May opened the term of the Madison Circuit Court. On the 25th. May, the Democrats of Madison County, attending Court, met in the

1. Illinois State Register. June 12. 1846.

2. ibid.

Court House and passed resolutions against the Congressional convention at Kaskaskia. Resolved that we approve of conventions as the proper mode to decide the adverse claims of candidates for office, when the proceedings are fairly conducted, and when they are organized to some rule or principle previously acknowledged and established. Resolved: that the Convention at Kaskaskia was organized in violation of the fundamental law of organization, laid down by the Kaskaskia Democratic Convention of 1844, and that the Democratic party of the first Congressional District is under no obligation whatever to sustain the proceedings of the Kaskaskia Convention in 1846. Furthermore resolved: That we approve of the delegates in withdrawing.¹

In explanation of the above, it may be said, that a petition of a large number of Democrats of Clinton County, instructing the delegate of Clinton to vote for Smith was laid upon the table without giving the petitioners a hearing before the Convention, in direct violation of the right of instruction admitted by the Democratic party to be one of its fundamental principles.

It is interesting to note, that in the election which followed in August, Smith was elected, defeating Trumbull by one thousand eight hundred votes; this in spite of the fact that Wentworth and Douglas were both elected to Congress.² Here we have a fine illustration of the power of independent action by a disaffected faction which had been unfairly treated.

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1. Illinois State Register. June 19th. 1846.
 2. Illinois State Register. August 14th. 1846.

Chapter 111.

DESCRIPTION OF NOMINATING METHODS UNDER THE CONVENTION SYSTEM.

To summarise nomination methods: The earliest method was by mere announcement of the candidates themselves. For these announcements were sometimes substituted nominations at private gatherings, known as "Parlor Caucuses", after which the campaign was carried on at the post office and the country store. This was followed by the method of mass meetings, assuming the importance of conventions. Then came the regular conventions for which there were town or village primaries. Under this latter method complete tickets for town offices were nominated, and later printed and distributed at the polls. One of the evils of these local party nominations has been the influence of national party prejudices playing a part in local affairs. However, this anomaly is more pronounced in state and county politics than in local. Many towns and small cities have divorced their local elections from state and national politics, thus requiring new party alignments and new voluntary efforts in the nomination of candidates on party tickets inspired by new local problems. Examples of these may be found in the "Citizens'" and "People's" tickets, for town offices. Most of the largest cities, however, follow the same system of nomination as that in use in state and county offices, i.e. the primary caucus and delegate convention. The delegates to these conventions are chosen by party voters at caucuses of primary, in the different wards or voting precincts. In some cities all aldermanic nominations are made directly at ward primaries; in other, the primaries are in

the ward precincts, followed by a convention for the whole ward, representing the precincts. Primaries and conventions for the purpose of nominating candidates for city offices are called by the city, town, ward, or precinct committees as may be appropriate. The methods followed by these primaries and conventions are the same methods as used in primaries and conventions for nominating county offices. (see below, page 39-40*)

In some places primaries are simply "town meetings" of party voters; in others, they are managed as elections are, being held only for choosing delegates, there being no debate, the voting merely registering the preconceived intentions of the party members. Party rules and regulations govern these proceedings. For instance, no person can take part in the choice of delegates to a convention unless he is a regularly enrolled party member on the local committee list. The city or town committee issues a call for the primary, giving date, time and place of meeting, and object of the same, names the person who is to call the meeting to order, or the officers to take charge of the voting, as is appropriate, sometimes giving a summary of general rules, governing the proceeding. This call is signed by the Chairman and Secretary of the committee. These meetings are for the direct choice of delegates to conventions, and members of the various party committees, and in the smaller cities for the direct nomination of candidates for municipal offices. This differs from the New England caucus which is an open meeting of party members for discussion of the merits of those voted for as delegates.

These were mere party elections, until recently conducted according to party rules, differing only from a regular legal election, in that the participants were members of a single party. Before these primaries occurred, "tickets" or "slates" have been arranged at secret meetings of the leaders, and distributed at the polling places bearing the names of candidates and sets of delegates. Here is the starting point of the secret manipulation of the local bosses. These slates often present bewildering combinations to the voter at the primaries. As an example, there may be five ambitious candidates for two nominations to the House of Representatives in the State Legislature, in a senatorial district. Each candidate would have printed different sets of tickets, his name appearing in combination with each one of the four aspirants on the several tickets. The voter at the caucus was thus overwhelmed with ballots of slight difference one from the other. When this primary election is for delegates to a convention, the puzzle to the primary voter becomes more and more complex. There is little or no opportunity for clear understanding of this complicated system. The nomination of a state senator or representative in Congress is made at a delegate convention. It is therefore necessary for the candidate for the nomination to secure at all the town and ward primaries of his district a majority of the delegate votes in the convention. He and his henchmen make up in every town and ward a list of delegates who would vote for his nomination if elected. The list or ticket that he puts out is sometimes headed by the name of a prominent citizen, who does not attend the convention, but whose credentials are

obtained through mutual friends. Sometimes the ticket is marked "delegates pledged to "; sometimes entirely unmarked and occasionally falsely marked "unpledged". The citizen desiring to vote independently has been caught by the trick of the candidate's issuance of two tickets, both favorable to him, one marked "pledged", the other marked "unpledged". The delegates on either ticket are expected on their honor to vote for this candidate. Sometimes a "parlor caucus", frequently a secret meeting of the leading party managers, arranges a complete ticket for the primary election. If these leaders are divided on the proposed ticket of delegates, it means they disagree on what shall be the final ticket to be nominated at the coming convention. Then follows factional fighting at the primary. If they are agreed, the secretary has the lists printed on one ballot and distributed.

Every city and town has a city or town Committee. Every ward has a committee, and in the larger cities in all precincts, committees are elected at primaries of party members in the wards or precincts. The city committee consists of all these committees, or delegations from them. Where a party is in a hopeless minority, these committees are frequently entrusted with the power of making nominations and choosing delegates. Their original purpose, however, is to help in the management of the campaign against the opposite party. The only proper and legitimate function they should exercise, previous to the campaign is the filling of vacancies on the delegations to the convention when it would be inconvenient to call another primary.

Lack of public interest in political affairs permits the

committee's slate almost always to be elected at the primaries. The real contest at the primaries is for election to membership of the committee itself, rather than election to the party nomination for public office. The latter is apt to be a mere endorsement of the committee's slate, but the former is the goal of the politician's ambition, for this position gives him the power of dictating nominations, and thus, the power behind the throne. One of the worst evils in party government has been the power of the committee to make the enrollment list of party members. To perpetuate themselves in power, the committee make a rule that an applicant for enrollment on the party list of eligible primary voters must take an oath to support all candidates, who may be nominated, without consideration of fitness, and also that every applicant must receive a majority vote of enrolled voters present at any meeting. These two rules make the primary a sham and a mockery. The only alternative for this evil system is to put the power of making party rules in the hands of the party voters themselves, but this seems impracticable. This difficulty is cleared by the legal control of primary eligibility as stipulated in recent primary law, the rules being made by the Legislature and thus having the additional advantage of uniformity.

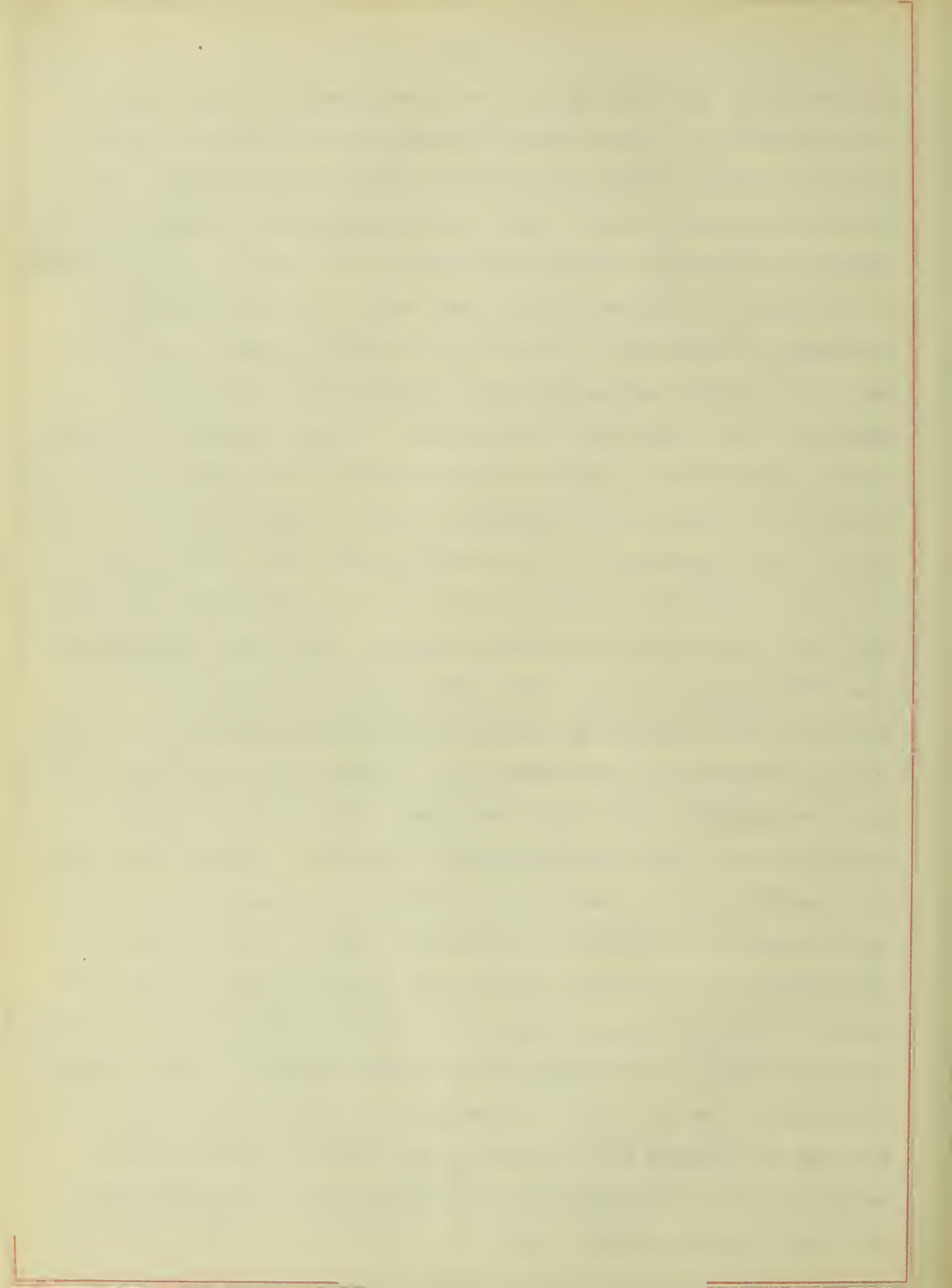
* The nominations for County offices are made by County conventions of delegates from the cities and towns of the county. The County Committee which issues the call for the convention, stating the number of delegates to which each city and town is entitled, is made up of one or more members from each town and city within the

county and is elected by the convention or at the primaries. A county convention is perhaps more than any other apt to be a cut and dried affair. Old and faithful county officials, faithful to the party as well as to the county, are generally nominated by acclamation.

Candidates for all State offices are nominated by State conventions whose members are the delegates chosen by party voters at primaries in cities and towns or by county and district conventions. The State Central Committee issues a call for the convention, ^a printed copy of which is sent to ^{the} chairman of every city, town or county committee, depending upon the local government organization and the consequent local party organization. In the call are included the time and place of meeting of the convention, and the number of delegates allotted to each city, town or county, based upon the vote cast for the party candidates at the preceding State election. The convention is called to order by the chairman of the State committee. The Secretary of the State committee then reads the call for the convention. The chairman, acting on motions made and carried, then appoints separate committees on credentials, organization, and resolutions. It is customary to appoint on these committees one member from each congressional district. The chairman appoints as chairman of each committee, the delegate who had made the motion for the committee's appointment, he, however, having ^{the members of} been named after a thorough mutual understanding by the State Committee.

After the committee on permanent organization has made its report, the permanent officers of the convention are formally

elected, this generally being a mere endorsement of the committee's recommendation. The permanent chairman then delivers a carefully prepared speech, on the issues of the forthcoming campaign. Then follows the report of the committee of credentials, giving the total number of delegates present and deciding all contests. The chairman of the committee on resolutions then reads the party platform, a statement of the party's attitude on the public questions of the day. It is very seldom that these resolutions are altered or amended. The convention then proceeds to the nomination of candidates. By order of a motion made and carried, the Chair appoints a committee to attend to the voting ballots, to count and report the same. The membership of this committee has been prearranged by the state committee, but the chairman in all seriousness reads the list as if they were his personal choice. The Chair then announces that "Nominations for the office for governor are now in order". Then follow the nominating speeches by members pre-determined upon by the candidates and their friends. So far the arrangements have all been planned by the state committee. This seems necessary in order to secure order and despatch of business. But now the convention settles down to the work for which it was really chosen, viz, the nomination of the party candidates. But the real contest for the nomination has already taken place in the primary, so that the voting of the delegates is generally the mere authoritative mechanical registering of the decisions of the primary voters. A mere majority has usually been all that is necessary for a nomination. Unless there has been bitterness in the contest, and sometimes even then, a motion is made and carried that the nomination be made unanimous. Of course nominations are sometimes made by acclamation, for which



absolute unanimity is necessary. Nominations for the other offices on the ticket are gone through with, in the same manner as the above. At various points while the convention has been waiting for reports of committees, prominent leaders of the party have delivered themselves of set and impromptu speeches on the virtues and glorious record of the party and the issue of the impending campaign. The speech of most importance to the public, yet frequently the shortest, is that of the party's nominee for the highest office, "the next governor".

Candidates for the State Senate and House of Representatives were nominated at the senatorial conventions of delegates elected at the party primaries in the different town and cities of the senatorial district, the convention being called by the senatorial district committee, and being called to order by the chairman of said committee. Nominations are conducted in the same manner as in a county convention. Illinois is divided into fifty three senatorial districts, each electing one senator and three representatives to the State Legislature. This gives Illinois the simplest form in any of the states for the nomination and election of members of the State Legislature.

Nominations for candidates for the National House of Representatives are made by congressional district conventions of delegates elected at the primaries of the different towns and city wards of the district called for the convention being issued by the congressional district committee, the call stating the number of delegates to which each town and city is entitled. The procedure is practically

the same as in a county convention, the chairman of the district committee calling the convention to order.

It will be seen that the primaries are the foundation of our whole nominating system. Under our democratic representative ideas of government, it was intended that conventions elected at the primaries should be deliberative bodies. Such, however, is not the case, if indeed it ever was as much as it should have been. American political primaries have been scenes of disorders on frequent occasions from the early days.¹ The greatest evils are in the city primaries, where the spoils system has developed a class of professional politicians and regularly paid primary workers. Where there is a large city in a county, the professional politician may best ply his influence in the county nominations through the city districts. All sorts of tricks are here adopted, repeating at the primaries, voting several times under false names, crowding in the convention room by ruffians and workers of this or that faction, blowing out the lights, and seizing the ballot boxes, calling the primary on short notice, having it take place in some out of the way room, naming the hours of the primary for late at night. All sorts of irregular methods have been used to defeat the honest and conscientious voter. Civil service reform has been the only efficient remedy thus far adopted, until we come to the recent legal control under compulsory primary laws. The next remedy to be adopted should be lessening of the number of elective offices, and the appointment of our purely administrative officers of the second

1. See Niles' Register, XXV,131; XXV,81; XXXI,85; XXXVI,363; XXXVIII,231.

class, legislative officers and the chief administrative officers only being elected by the people.

Chapter IV.

RECENT PRIMARY LAWS.

Before the beginning of the Civil War the convention system was thoroughly adopted throughout the State. It was generally believed to be an improvement over the old system of announcement, endorsement at public mass meetings of citizens, and nominations by informal caucusses, and the legislative caucusses which later had sometimes included party adherents not in the legislature.¹ This convention system was free from the restraint of law.² It was regulated entirely by custom and party rules. It was, however, contemporaneous with and fell into an unholy alliance with the spoils system and the rotary or rotation principle for all offices as well as with the growing and overweening importance of election, rather than appointment to office. Throughout the country there had been a growth in the adoption of universal suffrage, and short terms of office. The electorate was greatly increased.³ There were more members of parties, and party organizations. In the West especially there were more voters and more offices to fill. The vast increasing immigration of foreigners caused the growth of large cities.⁴ There were new conditions to meet, new problems to

1. Ostrogorski. "Democracy and the Organization of Political Parties 11.1, 204. Merriam, Primary Elections. p 1. Dallinger, Nominations for Elective Offices Chap. 1.
2. Merriam, Primary Elections. p 2.
3. ibid. p 3.
4. ibid.

solve, new needs with the growth of towns in Northern Illinois, with the influx of New Yorkers and New Englanders. More government action was required and more officers to execute the action. There were new departments of health, of safety, of charities and corrections.¹ There grew up later decentralization in government, and consequent seemingly necessary, centralization in party organization and management. Parties, as voluntary institutions, saw methods of success which popular sentiment denied the government.² The great material growth of Illinois affected politics, by presenting greater opportunities for power and money. The attention of the people was attracted away from careful attention to the details of government to money making. This gave opportunity to the political manager to grow strong and rich without much molestation. Conditions became so bad as to lead finally to the action of public opinion for legal control of parties. At the primaries and conventions there was violence, fraud, and clever manipulation.³ The primaries were not always confined to the members of a party, especially in the cities. In rural places, because of the acquaintance with all voters, this evil did not so frequently occur. In Chicago, wagons⁴ of men were driven about to vote in the different primaries.

1. Merriam, Primary Elections. p 3.

2. ibid p. 4.

3. Merriam, Primary Elections.p 6.

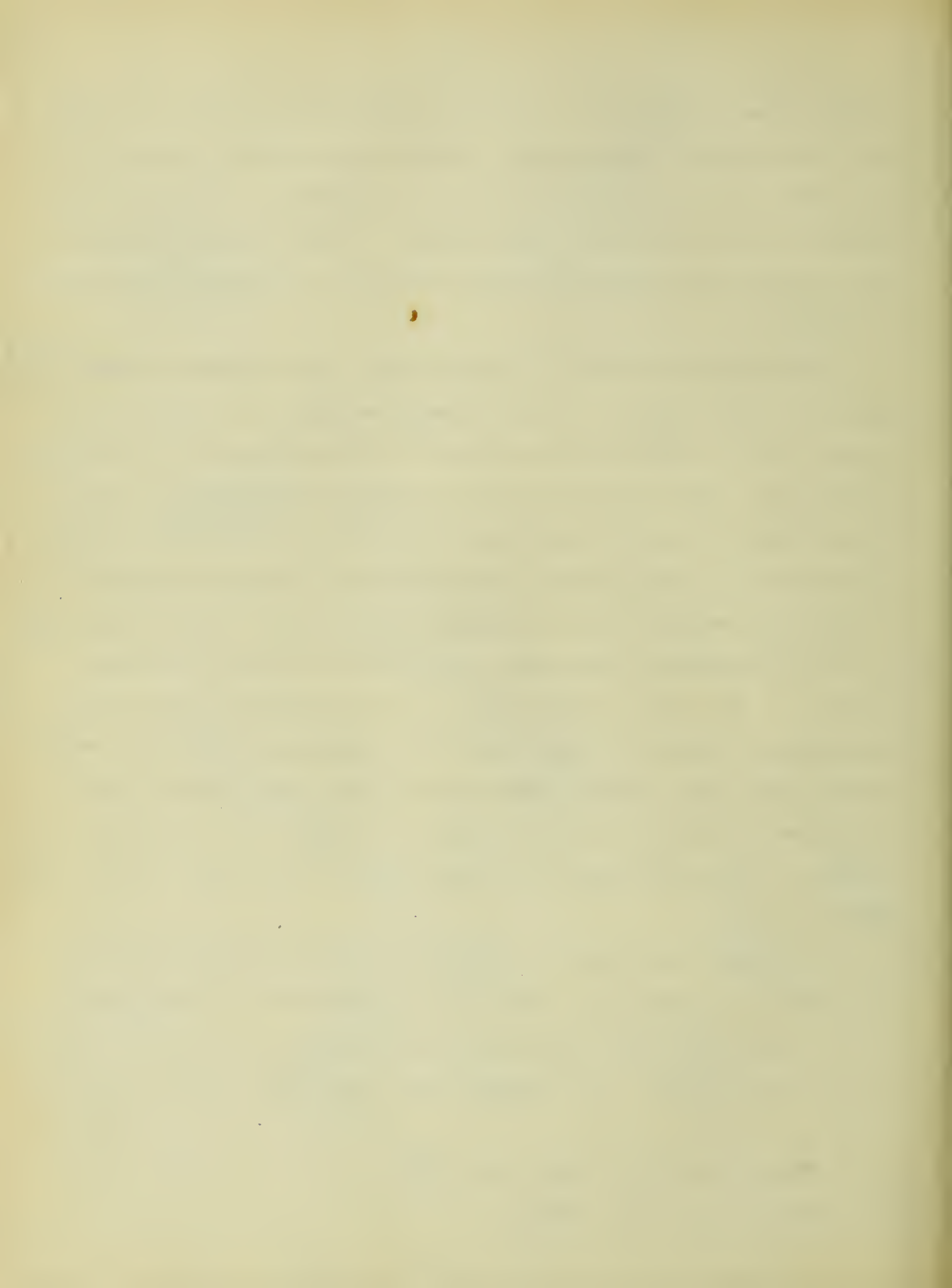
4. The writer has been an eye-witness to these performances.

Professional sluggers were hired by party bosses to keep opponents from the primary voting places. Bribery in a primary was not punishable by law, although it was at an election. Primaries were held at inaccessible and secret places. There were poor notices for the same, and manipulation of the count of votes and all sorts of fraud.

Let me cite two simple illustrations. The Chicago Tribune, March 8th. 1885 says, "The third Ward Republican Club met in Avenue Hall. The Club is entitled to twelve delegates to the City Convention. The central Committee allowed one delegate for every two hundred voters and the vote of the ward for Blaine was, 2432". This was not a legal primary; nevertheless it was a primary for the election of delegates to a convention, and we here see an organized club^{with its} enrolled members assuming to be the only regular legitimate members of the party in that ward. At the primary of the "Club" considerable confusion arose during the casting of the votes, owing to the fact, that several known Democrats got into the hall and attempted to take places in the line of voters. The Secretary insisted that none should vote whose name did not appear on the roll books.¹

The people were becoming aroused and somewhat appreciative of the existing conditions. There were indications that the frauds of the past were to be continued in the machine management of the present and future.² The President of a Young Men's Democratic Club

1. Chicago Tribune. March 8th. 1885.
2. ibid. April 1st. 1885.



in Chicago made the following remarks at a meeting of some of the young reformers. "Unless the machine is smashed there is no hope for the expression of the will of the Democracy in Convention. In the convention of Tuesday last there were sixty employees of the city and county, and eight town officers. More than half the delegates were tough saloon keepers, ¹ office holders, bridge tenders, and ex-penitentiary birds. Are they the representatives of the people, or of the Democratic party of the City? I think not. I think it will be demonstrated ² election day that they are not."

The first law to regulate primaries in Illinois, was in 1885, nearly twenty years after California had made the first attempt in the country. This law was passed for the regulation of "voluntary ³ associations", and was entirely optional with political parties. It contained provisions requiring notice of the proposed primary, giving purpose, time, manner, conditions, place, and authority under which primary was held; it required the election officers should be under oath and made provision against illegal voting and outlined the penalties for failure to comply with the regulations laid down.

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1. Chicago Tribune. March 30th. 1885.
The list of delegates is given, which proves the truth of the above statement.
 2. ibid. March 30th. 1885.
 3. Approved June 22nd. 1885.
1885 Session Laws. p 187.

The value of this law, however, was greatly over-estimated as may be seen from the following extract from the Chicago Tribune of April 1st. 1885, the day after the bill passed the Senate. " It legalizes primaries, throwing around them all the regular safe guards that surround regular elections. Fraudulent voting, bulldozing, treating, or other forms of bribery, furnishing bogus ballots, etc, is made a misdemeanor, with a fine not exceeding \$500 or imprisonment in the county jail from two to six months. There¹ are elaborate provisions for counting votes.

This law had been preceded by agitation through so called "committees of public safety". These committees had managed to secure reforms in election laws before reforms in regulating conventions and primaries. The public was apathetic with regard to this primary law which is shown by the fact that the Chicago newspapers of 1885 contain hardly any comment on the primary law, whereas many pages are devoted to election laws. In the year 1889² another law, called the "Crawford Primary Law" passed the Legislature. The Chicago Tribune of May 18th. page 9, gives a mere announcement of its passage. This was also optional with political parties. It provided for the creation of primary districts by party committeemen and for full representation of candidates by challengers. It

1. This was a gross exaggeration of the real value of the new law, as it proved in practice. There were not the regular safe guards of regular elections. In later laws misdemeanor was changed to felony.
2. Approved June 6th. 1889. 1889, Session Laws, p 140.

prescribed the size and color of the ballots and prohibited the use of distinguishing marks on the ballot. The question of party suffrage had always been a prolific source of unfairness which this law endeavored in a mild way to cure. It was stipulated that only legal voters should participate in the primary and that the voter might be required to state that he had not voted in the primary of another party within one year.¹ It will be seen that these laws left the primary almost in the control of party machinery.² The Australian ballot law recognized the political party, and gave it legal standing as the government was now to print all ballots. A method must be had for determining what names should be placed upon the ballot, and under what party appellation. This, therefore, required a legal definition of the party. By the Australian ballot law, nominations for office could be certified by party officers to the regular officers. The primary law of 1898, passed at an extra session of the Legislature,³ was really an excellent and up-to-date law. It was mandatory upon Chicago but was left optional with other counties of the state. By this law⁴ any party casting ten per cent of the votes at the last election in county, city, village, or incorporated town, in which an election was to be held, was entitled to hold one primary election, on any day between

1. Approved June 6th. 1889. 1889, Session Laws, p. 140

2. Merriam, Primary Laws. Ch. 11, p. 26.

3. Approved, Febr. 10. 1898. 1898 Session Laws, p. 11 (extra session)

4. Chicago Tribune, Febr. 11. 1898.

November and April next following, and preceding any regular Spring election, and another primary election any day between April and November next following and preceding any regular November election. Within the time limited, the central or managing committee should determine the day for holding a primary. But no two political parties should hold primary elections on the same day, and the first political party applying, should have the preference in choice of days. For a primary election not less than two and not more than six contiguous regular election precincts of the same ward or other political divisions, in as compact a form as practicable, should be joined, so as to form one primary election district, in such manner that each primary election district should include at least three regular election judges and two regular election clerks, residing within such primary districts, and to the party establishing such primary district. No primary district should contain more than one thousand voters of the party at the last election. Where the election district consisted of and was co-extensive with a congressional township, then it should be a primary district. The polling place should be as near the centre of population as possible, and should not be within one hundred feet of a building where intoxicating liquors were sold. The party Central Committee had the power to establish the boundaries of districts and designate the polling places. For each primary election district, each party by its Central Committee should designate from a list of appointed and regular election judges and clerks, three judges and two clerks, who should be members of the party to serve at primary election. A call

for a primary election must be filed with the election commissioners or with the county clerk where there is no board of election commissioners fifteen days before the date of the primary election, of which the election commissioners or clerks must give public notice. The ballots must be of uniform size, not less than eight inches long by four inches wide. They must be printed on plain white paper. The contents of poll books, the challenging of voters and the canvassing of the vote were to be the same as in the general election law. Penalties were provided for fraud and so forth. The law was compulsory for Cook County, and optional for the rest of the state so that it might be adopted by any county, city, village, or incorporated town, upon a vote of a majority of the electors. Whenever one thousand legal voters of any such district petitioned a county judge to submit the question of the adoption of the law, it should be the duty of the county judge to submit the proposition at the next succeeding general state or county election.

The passage of the Bill aroused great interest in Chicago. The day after its passage and approval by the governor, announcements were made in the Chicago papers of a plan for the meeting of a joint committee of the Union League, The Hamilton, The Standard, and the Iroquois Clubs, for the purpose of preparing plans to educate the voters on the new laws, in the same manner as was done at the time of the passage of the Australian Ballot Law. The Political Action

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1. Chicago Tribune. Febr. 11. 1898.

Committee of the Civic Federation sent out invitations to the Republican and Democratic Committees and Clubs to aid in this meeting for the study and disseminating of knowledge and understanding¹ of the primary reform bills. The calls of these Civic organizations speak of the purpose and aim of the new law to regenerate our entire political nominating system, as a fast stride and advance toward purifying every branch of our party politics. The call says that it now remains with the voters of all political parties who are striving for better nominations and decency at primary elections to take some advantage of the provisions of these primary election reform measures. Further, these laws were to take effect at once, and it was of the utmost importance that action be taken immediately, to enlist and organize the public in behalf of their successful operation. The coming primaries were to nominate thirty four aldermen in Chicago, and town officers in the thirty three townships² of Cook County. The primaries must be conducted under the provisions of the new primary laws and must be held before March 15th. The work of educating the people on this most important subject must occupy the best thought and effort of the press and all public spirited and well informed citizens. Every organization, club, and society of a political nature should lend its substantial aid to create an intelligent and widespread interest in the work of our nominating machinery. A direct call was then made for a conference on February 14th. to devise ways and means for carrying out the

1. Chicago Tribune, Febr. 11. 1898.

2. ibid. Febr. 12. 1898.

new reforms. The law was disliked by some of the party politicians who feared their defeat at fair primaries. There was a provision in the law ¹ which gives the Board of election commissioners power to exclude the name of a party candidate from the official ballot, not nominated by delegates elected at a legally held primary. It was desired to impress this fact on the minds of machine managers who were prejudiced in favor of "go-as-you-please" primaries. The leaders of the movement for purer politics were desirous of making a test to discover whether the seeming indifference of the public toward primary elections was due to inertness or to a feeling that it was impossible to obtain a fair show at a primary officered by machine men. Great efforts were therefore made to obtain for all voters the opportunity to vote as well as to inspire the knowledge of this opportunity. The manufacturers of the city were urgently requested to close their factories. This was not required by law, ² it being purely a voluntary act on their part. It was charged that even making a pretence of granting fair primaries, grated ³ harshly on a number of the Democratic bosses, and that they were "making wry faces over it", and that they were studying out ways of so splitting up their wards that while complying with the letter of the primary law, they would defeat its spirit as much as

1. Chicago Tribune. Febr. 12. 1898.

2. ibid. Febr. 13. 1898.

3. This charge was made by a Republican newspaper. It might have well been levelled at the bosses of both the great parties.

possible. It was thought possible for them to make shoe string districts, thus to render it the more difficult for the residents of their wards to vote at the primaries. But the better element confidently felt that this trick of the ward manipulators would be a long way from being as effective as the "good old custom of either denying them the right to vote at all or refusing to count their ballot after they have voted". The uncertainty of the results in a great many of the wards, now there was a promise of something like fair primaries had wiped all slates of coming nominations clean and the ticket makers would have to begin over again. It was difficult to say who was going to be nominated when the prophet did not even know who was to be in the nominating convention. It was said on the streets that all bets had been declared off and no books would be made until at least the aldermanic primaries had been held. They would give some kind of a line on who was to remain in control of the party, and who would have to bid fare well to politics.¹ Great efforts were made to arouse the public to an appreciation of the fact that the success or failure of the new primary law depended on the interest taken in it by the great mass of voters. The law simply allowed voting without hindrance and the counting of the vote as cast. There had been long efforts to make primaries as honest as elections. It was known that if the primaries were left to the corrupt minority element then in control, the nominations would continue to be bad. The only hope of actual reform was in securing² a representative attendance of voters.

1. Chicago Tribune. Febr. 13. 1898.
2. ibid. Febr. 14. 1898.

Although the law was long it was not complex; it was simple and easily understood. The Chicago newspapers took pains to explain the law to the voters. As it was compulsory only on parties who had at the last election cast ten per cent of the votes, both the Populist and the Prohibition parties must make their nominations in the old way. The reason for this exclusion was the great expense to the public treasury, and it would not be worth the drain on the people's money to take charge of the primaries of a party casting less than 10% of the votes at the election. It was required that all primaries of a party be held at once on the same day, but that no two parties could hold their primaries on the same day. Among further explanations for the benefit of the party managers, was the one that the county Central Committee must file a call with the election commissioners fifteen days before the primary for the choice of delegates to the convention, with a description of the districts etc. It was the duty of the election commissioners to issue a call ten days before the primaries to furnish books etc. but not ballots, which latter, however, furnished by the parties, must be white and four by eight inches. This was a weakness in the law, that the ballots were not furnished by the election commissioners. Attention to the voters was called to the time of day of the primaries from 1.p.m. to 7.p.m. This was bad, as it afterwards proved to be too late an hour. The result was that from 5 to 7 the primaries were crowded causing inconvenience and displeasure to the voters and even preventing the casting of some of the ballots. One of the best provisions was that, not less than two nor more than six precincts, could be represented at any one primary

polling place, whereas under the old regime the bosses held a general free and easy primary for the whole ward. One of the weakest provisions was that those only could vote who had voted at the last preceding election, who resided in the precinct district, were members of the party and had not voted within one year in any primary of any other party. This was found difficult to enforce. The judges and clerks were by the law to be officers of the county court. The party committee was to select three judges and two clerks from the list of regular election judges and clerks. Party workers were warned by the newspapers of the provision in the law that no persons except judges and clerks, challengers, one for each ticket, and one or more policemen were allowed within the polling places. It was explained to the voters with frequency and emphasis that when a voter was challenged and was a registered voter, the challenger must give a reason for his actions. If the majority of judges favor the voter's right, he may cast his ballot. If not, he must furnish an affidavit, with the affidavits of two registered voters who are householders in the district; on doing so, he may vote. The duties of judges and clerks were the same as at a regular election, with power to cause arrest without the issuance of a warrant. They must prepare three statements of the vote, one attached to the poll book, one to the chairman of the party central committee, one to the election commissioners. Judges and clerks were made ineligible to act as delegates to a party convention. There must be at least one delegate from each primary district to the convention. Delegates elected according to the party vote in the district must receive certificates of election from the judges and clerks of the primary

districts. The expenses of the Spring primary must be born by the city, of the Fall primary by the county. This was compulsory. It was made a felony with punishment from one to five years to impersonate another voter, to try to vote more than once, to use force, threat, or bribery, to hinder a voter from exercising his rights, to interfere with primary election officials, to advise or induce a judge or clerk to make a false return. Under the old Crawford Law, these acts had been only misdemeanors. The citizens' associations and the newspapers warned "ignorant followers of ward bosses that they would be apt to get into serious trouble before they knew it if they attempted to do those things which had been their habit". This law had been drafted by Mr. G. Fred Rush of Chicago and it was the first time in the history of Illinois that a¹ primary election was to be held under regular election officials.

On February 14. there was held in Chicago a great meeting of citizens for self education on the new primary law. Prominent citizens gave their views on the purposes and hoped for results of the new law. Judge John Barton Payne declared that the millenium was at hand when there should be no more "brace primaries". He said, "I see men in this audience who have won primaries without² regard to the number of votes cast at them". He pointed out that the new law made party machinery omnipotent and ended independent movements and that therefore it was very urgent that the voters should attend the primaries. Mr. Franklin MacVeagh, himself a former leader

1. Chicago Tribune. Febr. 13. 1898.

2. ibid. Febr. 15. 1898.

in great independent reform agitations, admitted that he was finally convinced that independent movements were not desirable and never successful.¹ Good Government could only be obtained through party organization but would not be secured until good men were nominated and elected; the law was not a self supporting automatic reform, but the people must go to the polls and vote; by this way only would the public either get new men in control or the old leaders would have to be born again. At this meeting a bi-partisan committee of twenty ought to be appointed.² Mr. Roy O. West said the people were to blame, because they refused to take part in primary elections. That for three or four years, we had been destroying our parties and that now we ought to take an interest in building them up. It ought to be a badge of honor to be called a machine man, because the name of the party inspires many men to fight for victory. Mr. John W. Ela said of the new law, "its moral victories have been the salvation of this city, if it is saved yet".³

Perhaps the most notable feature of the law of 1898 was the change by which primaries were placed under the machinery of regular elections. In this requirement, Illinois was keeping pace with California and New York and, in so far as the Australian ballot was concerned, with Missouri, and, in the matter of public printing

1. Chicago Tribune. Febr. 15. 1898.
2. ibid.
3. ibid.

of the ballots, with Maryland, Massachusetts, Michigan and Delaware. Party managers were thus shorn of much of their power of manipulation of the ballots both before and after being deposited. Although there were loop holes in the law for bribery of voters, and possible fraudulent voting and counting, a great improvement over the former methods was made in the requirement of the vote by ballot, in that it made it quite impossible for a minority to overrule a majority by a viva voce vote, through brute force and lung power ^{in convention.} There were some mutterings of discontent with the foisting of the expenses of party primaries on the public charge, independents and partisans thus being required to contribute toward the expense of each and every primary. This, however, was a narrow view, as the object of legal primary control was the improvement of general political conditions for the benefit of all citizens. The price paid by the public was but a mere bagatelle compared with the losses through political corruption, the source of which it seemed could only be reached and purified by some such drastic reform. Mere protection of the primaries would have been insufficient, had the law of 1898 made no provision for regulation of the convention. Illinois followed Massachusetts and New York in prescribing the use of the roll call in the election of convention officers. This prescription was based on countless experiences of high assumption of control by viva voce vote of the temporary organization. The provision was important, as this regulation of a convention was a necessary corollary, to the regulation of the primaries.

1. Merriam. Primary elections. p. 33-34.

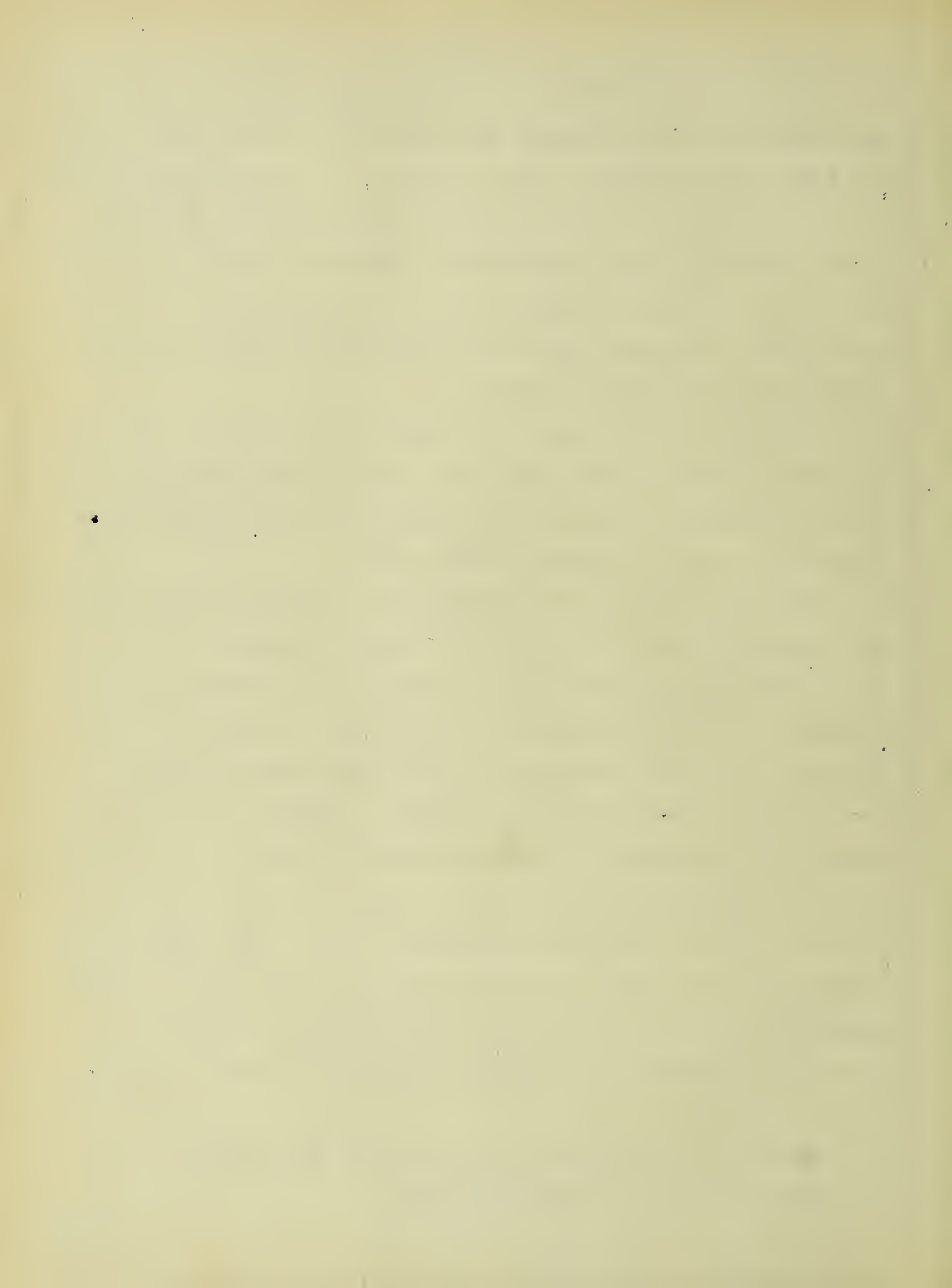
This mandatory primary law for the great city of Chicago approached as much, as seemed then possible, to the sphere of all the new found guarantees of a regular election. The opposition of some politicians had only served to arouse public opinion, to a more urgent demand for legal regulation. The public perceived in this opposition as it had in former years in the opposition of certain politicians to the adoption of the Australian ballot, the highest argument for the proposed reforms.

In 1899 a law was passed, optional in all counties other than Cook, and another in 1901 compulsory in Cook County, optional in others, repealing the Act of 1889 and of 1898, but differing so little as to need no comment in this paper.

The first mandatory state-wide primary law for Illinois passed the Legislature 1905.¹ One of the peculiar features of the law of 1905 was the provision that a candidate for Governor who received the largest vote in a county was to have the delegates from that County to the state convention for the first ballot at least. In the law of 1906 this provision was extended to state, congressional and senatorial conventions.² The law allowed a vote on other officers, merely advisory, however, by which delegates were not bound to vote for the candidates receiving the highest votes. The object of this method was to save the convention from total extinction, it being considered of great importance in holding the party together and as a medium of announcement of party principles. A grave danger,

1. Approved May 18. 1905; Session Laws p. 211 (void)

2. Approved May 13. 1906 (State-wide)



however, was encountered in the actual working of these laws, in that several minority candidates (by total popular vote) actually¹ received a majority of delegates and were nominated.

The law of 1906, state-wide and mandatory, required the government to print and supply all ballots with names of candidates and, in the matter of ballots containing the names of delegates to conventions, the ballot paper was to be supplied by the government but printed by any one interested; all general election laws were applied to primary elections. The law definitely fixed the day of holding of primaries as well as of conventions for all parties. It is well here to notice that no proxies were allowed to sit in conventions; the primary districts were fixed by the election officials, but in actual practice they followed the wishes of party committeemen. There still remained in this law as in the law of 1905 the danger of nominations of a minority candidate. This danger was realised in the actual working of the law, in that several minority candidates² received a majority of delegates and were nominated. We have in these three laws an illustration of the rapid progress of public opinion and legislation, and Illinois affords one of the best illustrations of the growth of public opinion in the United States on this subject during the last ten years. In 1898 we have a legally regulated primary for Cook County, but optional for other counties of the state. In 1905 we have a state-wide mandatory legally

1. Merriam, Primary Election. p.64.

2. ibid.

regulated primary system, in which law provision was made for an advisory vote on Governor and for the direct nomination of county officers outside of Cook County.¹ This act was declared unconstitutional.² The Legislature in 1906 passed a law providing for an advisory vote on all officers and requiring the delegates to state congressional and senatorial conventions to support the candidates receiving the highest vote in their delegate districts. In neither system, however, was there any certain provision for direct nomination. Upon the decision of the Supreme Court declaring this law of 1906 unconstitutional,³ the legislature passed a still more drastic law, a mandatory direct plurality nomination law for practically all officers.⁴ Thus in the face of the judicial defeat of the primary convention system, a partial step towards reform, came a really radical revolution in the whole system by the adoption of direct nominations. There are many details in these laws which might be described at length such as the printing of the names of candidates on the ballots in the order in which the determination of candidacy has been filed and the unseemly and undignified scramble for first place on the ticket to which it has given rise.⁵ The provisions that

1. Laws, p.211.
2. People v Board of Election Commissioners 221 Ill,1.(1906)
3. Rouse v Thompson, 81 N.E.Rep: 1109 (1907)
4. Approved Febr. 21. 1908.
5. See Chicago Tribune. Febr.9.1909. "Candidates open four days vigil", acting under similar provision in law of 1908.

when no candidate received a majority of all the votes cast the convention should choose (law of 1905) and the requirement of a fee from the candidate for having his name placed upon the ballot , and in the law of 1906 preventing anyone from participating in a primary after having signed a petition of another party or of any independent candidate or from signing a petition after having taken part in a primary, are typical of the period of the last decade.

Chapter V.

JUDICIAL DECISIONS.

The attitude of the courts is of course of vital importance toward the correct solution of the problem. The decisions, though few, are fundamental in their effects. Some of the first questions¹ to be answered were: Is it constitutional to enact any law attempting to regulate the machinery of a political party making nominations of candidates for public office? Can the law take any cognizance of political parties as such? Can the law interfere in anywise with the modes and methods employed by a political party in the nomination of its candidates for public office? Are the provisions of the bill properly subject matter of legislation? In harmony with the courts of other states notably, Colorado² and Pennsylvania,³ the Illinois Supreme Court upheld the constitutionality of the primary law of 1889 in a strong opinion,⁴ the substance of which is embodied in the following words of the court. "Whatever (it is said) tends to corrupt elections in a free government or detract from the efficiency and honesty of the public service, must needs be a matter of grave public concern, and all methods which have for their object the prevention of those abuses which every good citizen has observed with profound apprehension,

1. Merriam, Primary Elections, p.94.
2. In the matter of House Bill, No.203, 9 Colo., 631.
3. Leonard v Commonwealth. 112 Pa., 607.
4. Case of Shiel v Cook County.
27 N.E.Rep., 293, 137 Ill., 46.

by which incompetent and corrupt men have been chosen to office of trust and power, should be commended and upheld." The Court therefore looked upon the regulation of party nominations from the point of view of public interest and policy, not regarding them as purely private affairs, but as distinctly matters of general public concern. The Courts upheld as constitutional the right of the government to legalize and regulate party nominations, placing them practically in the same category with the elections. Only in minor and relatively unimportant features have the courts of Illinois declared against primary laws, and these decisions, rather than retarding¹ primary legislation, have hastened its completion. In one case, the Court held that a county central committee could not be delegated power by the legislature to establish delegate districts, on the ground that county central committees are not public agencies but private individuals, and that legislative power under no circumstances can be delegated to a private individual. The right to regulate its own affairs because of being a voluntary association has been denied the political party. The court has upheld the right of the legislature to determine the qualifications for membership in parties, regulations of its official organization and of its procedure. Such a decision as the one quoted above led directly to the complete legalization and regulation of party primaries by law. Another decision of the court has practically forced upon the legislature the alternative of state-wide regulation, or none at all, the legislature in the law of 1908 choosing the former method. This was occasioned by the court holding the law of 1905 unconstitutional

1. Rouse v Thompson. 81 N.E.Rep., 1109 (1907) 228 Ill:522 (1907)

because it considered that the creating of a different system for counties of over 125,000 population from that prescribed for the rest of the state, was special legislation. The courts said "diversity of rights between legal voters cannot arise out of or rest upon the number of people in the county where a voter happens to reside; the fact that there are many other people in the same political situation has no relation whatever to political rights."¹ In the same decision the court held that a primary was the same in its relation to the law as a regular election.² This was a vital victory for governmental regulation. One feature of the primary law of 1905 held to be unconstitutional was the requirement of a fee of every candidate for the privilege of having his name printed on the primary ballot. It was regarded by the Illinois court as an "unwarranted hindrance and impediment to the rights of the candidate and the voters, alike, and illegal and void".³ The court regarded the fee as "a pure arbitrary exaction of money to be paid into the public resources as a monetary consideration for being permitted to be a candidate".⁴ In spite of the fact that in Illinois as much as in any state, and more than in most, great difficulty has been encountered in obtaining the passage of a law that would be

1. People v Board of Election Com'rs. of Chicago, 77 N.E.Rep.,321.

2. ibid.

3. ibid. 221 Ill, 1.

4. ibid. 221 Ill. 9.

approved by the courts, these decisions can hardly be looked upon with any lasting regret, for they have in reality advanced the cause rather than having retarded it. In fact, the attitude of the court has not at any time been imbued with a spirit of hostility toward the primary legislation, but, on the contrary, has been marked by desire to clear away the flaws and weaknesses which would have defeated, in time, the main purposes of the reform. Nothing is finished until it is finished right and through the transition period of legislative action and judicial decisions will come, if it has not already, a decided bitterment in our nominations and elections.

Chapter VI

SUMMARY OF PRACTICAL WORKING.

Experience has proved conclusions in the practical working of the primary laws. It is generally admitted that the direct primary has brought out a larger vote than the convention system. In the direct, the efforts of candidates tend to make the primary contest personal, and arouse the feeling that the voter is acting directly on the result, not blindly for unknown delegates. The general effect of this is salutary; for it arouses a wider public interest in civic affairs, and brings the voters somewhat more in touch through their conscious efforts with the actual machinery of self-government. In a partial way it very happily harks back to the good old New England town meeting, and carries with it some of the latter's aspects of being a practical school of politics.

It is evident that the cost to the candidates has been increased under the direct nominations, because they must make efforts in all districts, whereas, under the delegate system, some districts would be uncontested. It is, however, the legitimate expenses of a campaign that are greater. There is in this, some compensation in the education given the public, if the expense is not so great as to be a hardship on a poor man. A way must be found to enable men of moderate means to accept office. Any system which would exclude such men would be contrary to our fundamental ideals. The payment of high salaries would not obviate the difficulty here, for it would not compensate the defeated, though worthy candidates. If only the successful candidate were to be re-imbursed, there would be

a very undesirable check on the number of those who could afford to take the chances of defeat. In connection with this, also, the apprehension that the direct system would bring out a great number of candidates has not been fulfilled. There is more danger of too few than too many candidates at the primaries. It would be well if some way could be found by which the public might bear the burden of cost.

The direct system has the virtue of having a candidate stand squarely for a certain office, the qualifications for which the people shall decide themselves, whereas, under the delegate convention system a man may be a candidate for any one of a number of nominations, if not getting one, being content with another. In the former, the man is for the office; in the latter, the office for the man. It is true that the direct system favors the popular man well known in the community over any one less known, but perhaps of superior qualities. This is more unfortunate in the matter of choosing judicial candidates. But in other offices, there is the compensation that such persons are generally more responsible to the people and a greater responsiveness by officers, especially legislative and high executive officers, is to be desired. And as the rule works both ways, the direct system gives opportunity for the defeat of a well known individual, - well known, however, for incapacity. It cannot guarantee the choice of the best candidates, but it approaches that desideratum more closely than the indirect method.

Perhaps the greatest danger to the success of the new method is the plan of some parties and party leaders to hold preliminary

caucusses and combinations. In fact, suspicion of the same may hurt rather than help the candidate. But in the cities it is being done. Nevertheless, it is harder for party bosses to hold their combinations together in the direct system than in the old convention system. Here again the test depends, as in all phases of Democratic government, upon the public's interest and activity or its apathy and inaction. The opportunity, however, is presented for pure democracy in party nominations. The leaders run the risk of defeat by party revolt or combination of independent members of the party. The slate makers may continue to exist, but they are more responsible to the voters than before. The old difficulty of defeating the organization by efforts of the unorganized again shows itself and it is the greatest obstacle to good government, in this or any other country. Yet, this is the vital purpose of the direct primary system. The most that can be said for it is that it makes the opportunity of revolt much easier and therefore the restraining effect is more efficacious than under the old system where the only way a member of a party could show his resentment at a poor or corrupt nomination was by voting for the candidate of the other party. A worthy candidate may secure a nomination when not on the organization slate, or an evidently unfit candidate of the slate may be defeated. This was not so under the convention plan. The fear of the danger of destruction of political parties, considered essential to democratic government, has not been fulfilled. Indeed, this fear was more for the continuance in party power of certain men than for the existence of parties per se. In the minds of the opponents of the direct primary system it was fear for

the person, not the institution.

Nor has the fear of the power of newspapers in the primary elections been realized. A venal press is soon discovered by the public and cannot long maintain its influence. The newspapers must conduct themselves on broad policies, giving notices of all candidates, and any refusal to do the same would soon be resented by the voting public as unfair. The people have more frequently shown themselves capable of resenting newspaper dictation than that of political conventions. The direct system increases the responsibility of the organization and the voter. Responsibility begets good behavior.

I believe that there should be a short time, possibly two months, between primaries and elections. A brief campaign has many virtues and is free from many sins. The primaries should not, however, be held in midsummer either in the country or city districts. Voters are too busy in the country and are absent from the city on vacations in the country. A September primary does well for a November election, a February primary for an April election. They should be concurrent for all parties, thus saving the greater expense, otherwise involved to the public. As to the number of necessary signatures on petitions, it should not be too many. A large requirement is a hardship unless the candidate has the support of a strong organization or is wealthy. In Illinois the petitions for state offices must be signed by not less than one thousand nor more than two thousand voters. The object of a limit is to prevent any advantage accruing to a wealthy or organization candidate,

through his ability to obtain a huge petition carrying with it possible effect on the unwary. Illinois has the worst system with regard to the position of the names of candidates on the ticket, that of arrangement in accordance with the time of filing nomination petitions.¹ Straight alphabetical order with arrangements for variations in different sets of tickets is the best. In the matter of test of membership in a party, a mere statement of present intention and past general support has been the best, with requirement that the voter has not voted at the primary of any other party within a specified time. The platform is best written by the candidates themselves, either in a few words after each candidate's name on the primary ticket as in the Oregon law or after the nominations as in Wisconsin. The plurality nomination is best, as it is also in elections. The old system of majority elections, no longer in vogue, should not be permitted to reappear in primary elections. Experience in elections has shown the satisfaction of the plurality vote and there is no valid reason yet shown by the facts why it should not prove the same in primaries.

The one serious question as to success of direct primaries is whether they^{are} suitable for large cities. The petition method is coming rapidly into favor, its advent being born of the desire to eliminate national and state politics from municipal affairs. The first use of the Illinois direct primary law in Chicago occurred on February 23, 1909. It was the opinion of some, then, that the law proved itself, by its working, not constructed for successful operation in Chicago. This seems to be the feeling of both the machine politician and the reformers. The President of the Municipal

1. Merriam, Primary Elections, p.143.

Voter's League did not criticise the law, but expressed great disappointment at the lack of interest which was displayed by the voters of the city. He said, "apparently every one forgot the primary election except the politicians and their friends"¹. The minor spots where the organizations, republican and democratic, met defeat, were not worthy of mention, and the party leaders were supremely satisfied. The primaries had been a triumph for the "machines"; the efforts of the Municipal Voter's League were futile on the city ticket and in most cases on the aldermanic contest. The only consolation and excuse for this poor showing of the reform element, advocates of the present system of primary nominations, is found in ascribing the result to the light vote cast. It was abnormally low, and it appears that only the adherents of "the machine" went to the polling places"². On the other hand, in Springfield, Illinois, the anti-organization candidate for the Republican nomination for Mayor was successful. It had been a fierce local political fight. He had been supported by a committee of "high browed citizens" working against the Republican Municipal machine entrenched behind the city hall patronage. His victory was a surprise to every politician in Springfield.³ -4/ It was afterwards proved in Court that there had been many irregularities in the primary voting on the part of the "machine" voters. In wards which went against the reform candidate it was charged and proved that in many cases persons had voted under affidavit as to residences

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1. Chicago Tribune, Febr. 25. 1909.
 2. *ibid.* Febr. 24. 1909.
 3. *ibid.*

former Lt. Gov. L. Y. Sherman

4. *On a re-count, since made, he was defeated, by a close vote - Running for mayor, as an independent, he was defeated by a very close vote -*

which were discovered to be saloons and empty buildings, some of the voters not even being residents of the city.¹ In the smaller cities primaries were held on March the 9th. The vote was light and the people took little interest.² The conclusions to be drawn from these results are not final, but the tendency of our opinion is in favor of the petition method of nomination for large cities, doing entirely away with party nominations, they thus becoming purely non-partisan and separated from state and national party organizations. But more strongly am I of the opinion that the reduction of elective offices is essential for the success of primary reform. This reduction is not undemocratic, as it would increase the power of the people, whereas the bewildering effect of a large number of elective offices to be filled helps the bosses, not the people. Administrative officers might better be appointed than elected. There is no such thing as a Republican Clerk or Bookkeeper, or a Democratic engineer, or Prohibition or Socialist auditor. The mass of voters are indifferent to the nominations for the city clerk and treasurer, "administrative officers", and neither the direct method or the petition method will arouse them from their apathy. For such minor administrative positions the organization nominees will always win. In this same election mentioned above, however, the organizations won largely in many instances because they were sponsors for the better men, thus gaining the support of independents. In a number of wards, if the organization had slated objectionable

1. Chicago Tribune. March 3. 1902.

2. ibid. March 10th. 1909.

instead of highly acceptable candidates, there would have been a much heavier vote at the primary and the bad men would have been beaten.¹ Herein lies the value of the direct primary. It compels party leaders, who will always have the most to say about the choice of party candidates, to submit their list of names not to an acquiescent convention, but to all of the party voters who see fit to utilize the opportunity to pass on it given them by the primary law. If the voters take no interest in the offices to be filled or in the men who are to fill them, the "slate" will go through. A man whose selection is a challenge to the best elements in the party to turn out and fight him is likely to be rejected. The defeats of that kind will not be courted by party leaders. Though the votes at these recent primaries were small, they were larger, probably, than they would have been under the old primary system. Whatever may be the short comings of direct primary, it is fair to believe, it is contributing to the political education of voters and causing a greater number of them to take part in the work of selecting candidates. The direct primary is an effort and not a blind one in the direction of the government of party organization by party voters. It has neither destroyed the party or smashed the machine. It has neither fulfilled the fears of party leaders, nor, as yet, fully satisfied the expectation of reformers, but it is still feared by its enemies and cherished by its friends.

In the days of Stephen A. Douglas the convention system was regarded as a victory of democracy over aristocracy, of representation over self-constituted leadership; but the convention came to be the

1. Chicago Tribune Editorial. Febr. 25. 1909.

stronghold of great money interests and not responsive to the popular will. Direct primary nominations have taken the place of the convention system. Illinois has passed from the unregulated convention system to the completely legally controlled direct nomination system. In this, Illinois has advanced through fewer stages of legislation on different phases of the reform movement¹ than most other states. She has profited by the minor experiments of other states and her legislation has been broad, drastic, and radical.

In the words of the Pennsylvania Court "the importance of the relation of the primary is evident to every one who does not shut his eyes that he may not see, and stop his ears that he may not² hear".

1. Merriam, Primary Elections. p.135

2. Leonard v Commonwealth, 112 Pa., 625, 626.

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